

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KRISTEN BEHRENS, ESQ., as Administratrix, et al. v. ARCONIC, INC., et al.	CIVIL ACTION NO. 19-2664
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ORDER RE: DEFENDANTS' MOTION TO DISMISS
FOR FORUM NON CONVENIENS

AND NOW, this 16th day of September, 2020, upon careful consideration of Defendants' Motion to Dismiss for *Forum Non Conveniens*, (ECF 50), and all submissions related thereto, and for the reasons stated in the accompanying Memorandum, it is hereby **ORDERED** that:

1. The Motion is **GRANTED** subject to specific conditions and the Complaint is **DISMISSED** without prejudice.

2. The dismissal of this action is subject to the following conditions:

a. Defendants agree to waive statute of limitations defenses in a subsequent proceeding brought in the United Kingdom ("UK") by Plaintiffs in this lawsuit (or the beneficiaries of the decedent-Plaintiffs in this lawsuit) against Defendants arising out of the Grenfell Tower fire that is filed within one year from the date of this *forum non conveniens* dismissal.

b. Defendants agree to submit to the jurisdiction of the English courts in the subsequent UK proceeding.

c. Defendants agree to accept the exercise of jurisdiction by the English courts.

d. Defendants agree that Plaintiffs may reinstate this action in this Court if the English courts reject, for jurisdictional reasons, the subject matter of Plaintiffs' claims such that those courts are not an available alternative forum for Plaintiffs.

e. Defendants agree to abide fully by their obligations in the subsequent UK proceeding, and to make available in England all evidence necessary for a fair and just resolution of this case, including documents and witnesses.

f. Defendants agree to allow Plaintiffs to use any evidence that they obtained here in the subsequent UK litigation and to make such evidence available to Plaintiffs in the UK litigation.

g. The parties shall adhere to rulings related to these conditions made by the Court during the August 19, 2020 hearing as stated on the record.

h. If the UK court determines that Pennsylvania law (or the law of another state in the United States) applies to damages and that one or both Defendants may be liable for punitive damages, but decides to grant dismissal of the damages phase without prejudice in the UK for determination in the US, Plaintiffs may reinstate this action in this Court.

3. The Clerk of Court shall close this case.

BY THIS COURT:

s/ Michael M. Baylson

MICHAEL M. BAYLSON
United States District Court Judge